IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.8701 OF 2006

Rajendra Mahadeorao Mali & Ors. ...Petitioners.
Vs.
The Modern Education Scoeity,
Ichalkaranji & Ors. ...Respondents.

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Mr. K. V. Saste for the Petitioners.
None for the Respondents.

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CORAM :DR.D.Y.CHANDRACHUD, J.
July 4, 2007.

P.C.:

The Additional District Judge has by the order impugned, dismissed the appeal against an interlocutory order passed by the Trial Judge, restraining the Petitioner from interfering with the management and administration of the Trust property till the final disposal of the suit. The interference of this Court under Article 227 of the Constitution, particularly against an interlocutory order, is not warranted in these proceedings, particularly in view of the prima facie finding that the Petitioners have tendered a resignation. However, it

is clarified that the observations contained in the impugned judgment are confined to the disposal of the application for interim relief and shall not come in the way of the trial of the suit on merits. All questions including the maintainability of the suit are kept open to be urged at the trial. The Writ Petition is dismissed.

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